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1 Q. This looks like some form from the Knox Community
2 Hospital.
3 A. That's correct.
4 Q. And right above that, it says "Rehabilitation &
5 Wellness"?
6 A. That is correct. That's correct.
7 Q. Now, as I'm looking at this, it has your birth date on
8 it. Right?
9 A. 6/22/56.
10 Q. Now, March 13th, 2008 -- I know the answer, but I just
11 need to make certain it's very clear -- is this before or
12 after Pastor Zirkle had come in to speak at the FCA on
13 March 18th, 2008?
14 A. This was before.
15 Q. Down where it says diagnosis, surgical procedure, I can
16 see there it says impingement syndrome, adhesive capsulitis,
17 and then left shoulder. What was bothering you at the time?
18 A. My left shoulder.
19 Q. And do you remember how you hurt it?
20 A. No. Just over -- it's an overuse injury from probably
21 from different occupations I've had.
22 Q. What is that occupation you've had?
23 A. It's called smoke jumping, parachuting.
24 Q. And we'll talk more about that later. I want you to
25 flip to the second page of Employee Exhibit No. 140. Now,

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1 there at the top, it says "Rehabilitation Intake
2 Questionnaire," and then it says today's date, March 17th,
3 2008. Is that correct?
4 A. That's correct.
5 Q. Now, is that also the day immediately before Pastor
6 Zirkle had come in and talked to FCA that day?
7 A. That's correct.
8 Q. There, it says work history, and it identifies yourself
9 as a Mount Vernon city schoolteacher. Correct?
10 A. Yes.
11 Q. And it says, briefly describe your job, teaching
12 science, eighth grade. And it says what's your physical
13 complaint. Does it say left shoulder injury?
14 A. Yes.
15 Q. Now, two lines down -- or, actually, one line, it says
16 when did these symptoms start. When did these symptoms
17 start?
18 A. November of 2007.
19 Q. So November of 2007 you started having problems with
20 your shoulder. And how would you characterize that problem?
21 I think you have a word there in the next line.
22 A. Chronic.
23 Q. And then a little bit further down, it says, after you
24 have all the smiley faces and the pictures of the body, it
25 says describe discomfort. First of all, did you complete

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1 this form yourself?
2 A. Yes, I did.
3 Q. So when it says describe discomfort, what did you
4 articulate there?
5 A. I've got circled three, four, and going into five.
6 Q. And that would tell you that what? You've got moderate
7 pain?
8 A. Yes.
9 Q. A little bit further down, it says describe discomfort.
10 It says sharp, aching, dull, burning. What did you check?
11 A. Where at?
12 Q. The second page, Exhibit 140.
13 A. Okay.
14 Q. Where it states -- and this is underneath --
15 A. The pictures?
16 Q. Yes, sir.
17 A. Okay. Describe discomfort, aching.
18 Q. Now, it talks about some of the other things that have
19 been done previously. It looks like you've had X-rays.
20 A. Yes.
21 Q. Now, I can't read your handwriting there. It says what
22 were the results, and you have written something there. What
23 does it say?
24 A. It says there was no separation but I had a cortisone
25 shot in it.

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1 Q. When you say a cortisone shot, are you talking about a
2 medicine injected into your arm?
3 A. Yes.
4 Q. And where it says social history, it says how do you
5 learn best? What did you check there?
6 A. Seeing, doing.
7 Q. Now, there's an option there for hearing. Correct? You
8 didn't check that one, did you?
9 A. No, I did not check that one.
10 Q. Is that still accurate?
11 A. Yes, that's accurate.
12 Q. Going to the third page of Employee Exhibit 140 -- and
13 these are all your medical records. Right?
14 A. Yes, they are.
15 Q. And down at the bottom -- well, actually, at the top, it
16 says "Medical History. Have you ever had similar problems in
17 the past?" And then what did you write in there? I want to
18 make sure I can understand it.
19 A. Chronic. This has been the worst, though.
20 Q. So as of March 17th, 2008, your shoulder hurt the worst
21 at that particular time than it had previously?
22 A. Yes.
23 Q. Now, down under the rate your self-care skills, under
24 activity level, do you see that?
25 A. Yes.

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1 Q. Under changing positions and reaching overhead shoulder
2 level, what number is marked there?
3 A. That would be a 3, changing position.
4 Q. And then let's go up and translate what No. 3 means.
5 What does No. 3 mean on that particular scale?
6 A. Able by myself with increased effort or pain.
7 Q. On March 17th, did you have therapy that particular day?
8 A. What day was that again? The 17th, you say?
9 Q. Yes.
10 A. Yes.
11 Q. And, typically, when you go through therapy, are you in
12 more or less pain the next day afterwards?
13 A. More pain.
14 Q. And why is that?
15 A. Because they just beat you up.
16 Q. Now, what's your goal there stated at the bottom for
17 this physical therapy?
18 A. Back to normal motion without pain so I can fight forest
19 fires and lift weights.
20 Q. Now, when you say "fight forest fires," is that what
21 you're referring to as smoke jumping?
22 A. Yes. But also so I can go fight forest fires and lift
23 weights.
24 Q. Now, that's your signature down there on the bottom of
25 page 3 of Employee Exhibit No. 140?

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1 A. That's correct.
2 Q. And your signature, because it's a scribbly mess, your
3 signature would be on the bottom left-hand side?
4 A. That's correct.
5 Q. Now, I've got to go through your medical record here
6 just to make certain that everybody clearly understands your
7 position as it relates to -- let's just back up one second.
8 If somebody alleged that you had raised your arms and
9 been part of some sort of healing session, exorcism, or
10 anything else related to Pastor Zirkle, what would you say in
11 response to that?
12 A. That that person would be lying.
13 Q. Now, page 4 of Employee Exhibit No. 140 over on the
14 right-hand side, it says "run date." Right?
15 A. 4? Okay. I'm there. Run date?
16 Q. Yes. What's the date say?
17 A. 3/18/2008.
18 Q. And this is from the Center for Rehabilitation and
19 Wellness at the Knox Community Hospital?
20 A. Correct.
21 Q. Now, down there at the bottom, it says onset. What does
22 that mean?
23 A. Around Thanksgiving 2007. That would be when we -- at
24 the time of having problems.
25 Q. It actually has its own sort of official diagnosis down

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1 there. Right? What is the official diagnosis as best you
2 can tell?
3 A. Adhesive capsulitis left shoulder.
4 Q. And what does the other one say?
5 A. Disorders of bursae and tendons in shoulder region
6 unspecified.
7 Q. I'm going to page 5 of Employee Exhibit No. 140. And is
8 that your name there at the top?
9 A. That's correct.
10 Q. And then right there under history, it says chronic
11 shoulder pain.
12 A. Correct.
13 Q. It says the patient's goals, again, are to resume
14 lifting weights without pain. Right?
15 A. Yes.
16 Q. And these appear to be some of the actual therapy
17 notes. Right?
18 A. Yes.
19 Q. Going to page 6 of Employee Exhibit No. 140, I want to
20 direct your attention to the language on the page that says
21 PT, has difficulty relaxing for PT. Do you see that? It
22 would be in the first full paragraph, second line.
23 MR. MILLSTONE: Page 6? I can't see the whole
24 page. Do you have -- is that on all the copies?
25 MR. HAMILTON: It's crooked on mine too. Sometimes

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1 you can't get good help with medical records, I guess.
2 Q. It says has difficulty relaxing for PT. Is that
3 referring to you?
4 A. Yes.
5 Q. And were you having difficulty relaxing?
6 A. Yeah.
7 Q. Why?
8 A. Because of the discomfort. I'm sure I wasn't
9 appreciating what they were doing to me.
10 Q. Now, the date on this one is March 24th, 2008. Do you
11 see that about halfway down the page?
12 A. Yes.
13 Q. I'm going to direct you to the tenth page of Employee
14 Exhibit No. 140. It says dates of service. Do you see that?
15 A. Yes.
16 Q. What are the dates of service that you're seeing there?
17 A. 4/2, 4/4, 4/8, 4/9.
18 Q. Go to the page immediately preceding the one you just
19 read from. What are the dates of service on that one?
20 A. 3/19, 3/24, 3/26, 3/28, 3/31.
21 Q. And are those the dates you went to therapy?
22 A. That's correct.
23 (Discussion off the record.)
24 HEARING OFFICER: Okay. We'll take a ten-minute
25 break and resume at five till 11:00.

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(A recess was taken from 10:45 a.m. to 11:02 a.m.)

HEARING OFFICER: For those of us who have speaking parts, we're going to try this with the heat for a while, so if you could elevate the volume just a bit so that the reporter can get a proper transcription, it would be much appreciated.

Attorney Hamilton, if you want to continue, go right ahead.

MR. HAMILTON: If I want to?

HEARING OFFICER: It's up to you.

I would also note if we get too warm, raise your hand. We'll click it off. But that may take a while.

BY MR. HAMILTON:

Q. John, I've handed you Employee Exhibit No. 141. Are you familiar with this document?

A. Yes.

Q. What is this document?

A. This is an affidavit that I signed.

Q. Now, would you agree that the first three paragraphs are the same as the affidavits you submitted so far?

A. That is correct.

Q. And the purpose of that affidavit was to do what?

A. For me to get the truth out.

Q. Okay. Now, there in No. 4 of Employee Exhibit No. 141,

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how long have you been the FCA monitor here at the Mount Vernon Middle School?

A. It will be 17 years.

Q. And during that previous 17 years, had you ever had to get a permission slip?

A. No.

Q. So permission slips were a new requirement in the 2007-2008 school year?

A. That is correct.

Q. What did you understand your role to be as the advisor of FCA?

A. Facilitator, monitor, supervisor of FCA.

Q. When do you -- John, when do you -- it's the hearing part. When do you believe that you had clarity as to the requirement about permission slips?

MR. MILLSTONE: Objection. Asked and answered.

HEARING OFFICER: Overruled.

A. April 2nd, 2008, when Mr. White and Mr. Ritchey gave a memo to anybody who had -- to all staff, especially those who had clubs.

Q. Now, when you interviewed -- we'll talk in great detail later, but when you interviewed on May 15th, 2008, with the investigators, I understand from your testimony you went back and listened to what you talked about. Right?

A. Yes, I did.

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Q. Now, I'm looking there at No. 5 of Employee Exhibit No.

141. And you used the word "December" as to when it appears you created a permission slip form. Was that a correct or incorrect statement?

A. That was not correct. I didn't walk in there with dates, so that was incorrect.

Q. When you say you didn't walk in there with dates, where is "there"?

A. There would be the central office where the H & R investigators were holding the interviews.

Q. And that was on May 15th, 2008?

A. Yes.

Q. You also stated in there in No. 5 of Employee Exhibit No. 141 in the interview you said it was January or February is when you went to the school board meeting.

A. No. From my index cards, looking at my index cards, it was in March.

Q. When you went and had the meeting with H.R. On Call, did you take your index cards with you?

A. No.

Q. Where did you leave them?

A. By my phone.

Q. Now, at the bottom of No. 5, it says, "Also on March 4

FCA was cancelled because there was no speaker." Is that March 4, 2008?

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A. That would be correct.

Q. And, then, essentially, No. 6 is where you made certain that the whole contents of whatever the card or something like that was there. Right?

A. Yes. It's one of the employee's exhibits.

Q. Now, there in No. 7, when did you -- let me ask you this: When did you learn about the identity of Zach Dennis having been the student that made the complaints against you?

A. April 22nd, in Mr. White's office, 2008.

Q. So there at No. 7, it says on March 18th when Pastor Zirkle was there you didn't know the identity of the student that was making the complaint.

A. No.

Q. Now, what's the date you executed this affidavit? Flip to page 4.

A. May 23rd, 2008.

Q. And at that point in time when you made the affidavit, you knew the identity of Zach Dennis. Right?

A. That's correct.

Q. Now, do you ever recall Zach Dennis calling his mom from your classroom to receive permission to attend FCA?

A. Yes, I do.

Q. I'm sorry?

A. Yes, he did call from my phone in my classroom.

Q. And tell me what transpired with that.